

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Timothy Holt, individually
and on behalf of a class,

Plaintiff,

Civ. No. 10-383 (RHK/RLE)
ORDER

v.

LivInn Suites, Inc.,

Defendant.

This matter is before the Court *sua sponte*. Defendant has filed a Motion to Dismiss this action, which is scheduled to be heard by the Court on May 18, 2010, at 8:00 a.m. Having reviewed the parties' Motion papers, the Court does not believe that oral argument will materially assist its resolution of the Motion. Accordingly, **IT IS ORDERED** that the hearing on Defendant's Motion is **CANCELED**. The Motion is deemed submitted as of May 4, 2010, the date of Defendant's Reply Memorandum.

Dated: May 13, 2010

s/Richard H. Kyle
RICHARD H. KYLE
United States District Judge